

REMARKS

Claims 1-65 were pending as of the office action mailed on October 28, 2008. Claims 19-21 and 31-65 are withdrawn. Claims 1-10 and 12-18 are amended. Claims 66-70 are new. No new matter has been added. Support for the amendments can be found, for example, in paragraphs 15, 61, 64, 69 and 72 and Fig. 22 of the original application as published.

Applicants note that claims 59-65 were not identified in the Restriction Requirement mailed on June 9, 2008. To further prosecution, Applicants confirm that claims 59-65 are withdrawn.

Reexamination of the application and reconsideration of the action are respectfully requested in light of the foregoing amendments and the following remarks.

I. Claim Rejection Under 35 U.S.C. § 112

Claim 11 presently stands rejected under 35 U.S.C. § 112. Claim 11 has been canceled. Withdrawal of the rejection is respectfully requested.

II. Claim Rejections Under 35 U.S.C. §§ 102, 103

Claims 1, 9, 22 and 30 presently stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 7,076, 443 to Emens et al (“Emens”).

Claims 2-8, 10-18 and 23-30 presently stand rejected under 35 U.S.C. § 103(a) as allegedly being rendered obvious by Emens in view of U.S. Patent No. 7,062,453 to Clarke (“Clarke”).

Applicants respectfully traverse the rejections.

III. Claims 1-10, 12-18 and 66-70 are Allowable Over the Art of Record

The Examiner rejected claim 1 as allegedly being anticipated by Emens. While Applicants do not agree with the Examiner’s allegation and reserve the right to prosecute the claims as originally presented in a further proceeding, claim 1 has been amended to further distinguish over the art of record. As amended, claim 1 recites, in part:

advertisement image generation means for generating an advertisement image identifying a first plurality of advertisements . . . based on advertisement rankings associated with the first plurality of advertisements, and storing the advertisement image in association with a network-based locator as being an up-to-date advertisement image

advertisement relationship determination means for evaluating the advertisement rankings and if the advertisement rankings change as compared to the advertisement rankings on which the generation of the advertisement image was based, . . . generate a modified advertisement image, wherein the modified advertisement image identifies a second plurality of advertisements . . . and is stored in association with the network-based locator as being the up-to-date advertisement image . . .

transmitting the up-to-date advertisement image stored in association with the network-based locator in response to the request

The relied upon portions of Emens show that in response to a user query a search results display page is generated. See Emens, Fig. 2 and Col. 5, lines 44-64. The search results display page includes search result items and product information items, each product information item corresponding to a search result item. See id. If the user selects a search result item (e.g., a hyperlink to a website associated with the user query) from the search results display page, then data associated with the search result item is provided (e.g., the user's web browser is directed to the website identified by the hyperlink in the search result item). See Emens, Col. 5, lines 44-64 and Col. 6 lines 12-17.

Alternatively, if the user selects a product information item from the search results display page, then a search of an advertisement database is initiated. See id. The advertisement database search identifies advertisements related to the particular search result to which the selected product information item corresponds. Once the advertisement database search is completed, the identified advertisements are provided to the user for possible selection. See id. Thus the search of the advertisement database is based on a particular search result item (e.g., as opposed to the user query) from the search results display page and the search identifies only advertisements related to that search result item.

However, the relied upon portions of Emens do not teach or suggest “generating an advertisement image identifying a first plurality of advertisements . . . based on advertisement rankings associated with the first plurality of advertisements” and generating a “modified advertisement image identif[ying] a second plurality of advertisements,” if the advertisement rankings change as compared to the advertisement rankings on which the generation of the advertisement image was based, as set forth in claim 1.

Moreover, the relied upon portions of Emens do not teach or suggest “storing the advertisement image in association with a network-based locator as being an up-to-date advertisement image” and, if generated as a result of advertisement ranking changes, storing the modified advertisement image “in association with the network-based locator as being the up-to-date advertisement image,” as set forth in claim 1. Further, the relied upon portions of Emens do not teach or suggest “transmitting the up-to-date advertisement image stored in association with the network-based locator in response to the request” for an advertisement image associated with the network-based locator, as set forth in claim 1.

The relied upon portions of Clarke do not cure the deficiencies of Emens. For at least the reasons presented above, Applicants respectfully submit that claim 1 is allowable and all claims depending therefrom are allowable over the relied upon portions of the cited art.

Claim 10 is directed to an advertisement distribution and delivery method and includes generating an advertisement image based on advertisement rankings, storing the advertisement image in association with a network-based locator as being an up-to-date advertisement image, generating a modified advertisement if there are changes to the advertisement rankings, storing the modified advertisement image in association with the network-based locator as being the up-to-date advertisement image, and transmitting the up-to-date advertisement image in response to the request for an advertisement image. Claim 10 is allowable over the relied upon portions of the art for at least the same reasons set forth above with respect to claim 1.

Withdrawal of the rejections of claims 1 and 10, and all claims depending directly or indirectly therefrom, are respectfully requested.

Claim 70 is directed to an advertisement method and includes generating an advertisement grouping comprising a first plurality of advertisements based on advertisement rankings, storing the advertisement grouping in association with a network-based locator as being an up-to-date advertisement grouping, generating a modified advertisement grouping comprising a second plurality of advertisements if the advertisement rankings change, storing the modified advertisement grouping in association with the network-based locator as being the up-to-date advertisement grouping, and transmitting the up-to-date advertisement grouping in response to a request for an advertisement grouping. Claim 70 is allowable over the relied upon portions of the art for at least the same reasons set forth above with respect to claim 1.

IV. Conclusion

For the reasons set forth above, the portions of the art relied upon by the Examiner do not anticipate or render obvious any of the pending independent claims, nor any claims depending therefrom. All pending claims are thus allowable and in condition for allowance, and Applicants respectfully request that a Notice of Allowability be issued in due course.

The allowability of all of the pending claims has been addressed. The absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation.

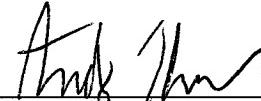
Please apply any charges or credits to deposit account 06-1050.

Applicant : Donovan, et al.
Serial No. : 10/647,116
Filed : August 25, 2003
Page : 19 of 19

Attorney's Docket No.: 16113-0633001

Respectfully submitted,

Date: 4/22/04



Andrew J. Thomson
Reg. No. 61,682

1180 Peachtree Street, N.E., 21st Floor
Atlanta, GA 30309
Telephone: (404) 892-5005
Facsimile: (877) 769-7945